

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

<b>TRISTAN HENRY,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>vs.</b>	)	<b>Case No. CIV-05-298-R</b>
	)	
<b>THE STATE OF OKLAHOMA,</b>	)	
	)	
<b>Respondent.</b>	)	

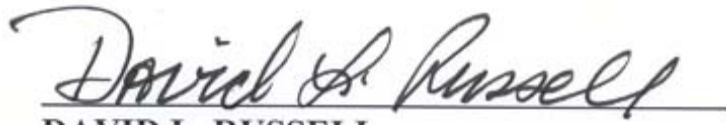
**ORDER**

The Court has previously entered an order and judgment adopting the Report and Recommendation entered by Magistrate Judge Gary M. Purcell on March 22, 2005. (See order dated April 14, 2005, Document No. 6). In an order dated June 15, 2005, the Court vacated its prior order and judgment based upon the Petitioner's representation that he never received a copy of the Report and Recommendation. In its June 15, 2005 order, the Court granted the Petitioner leave to file a written objection to the Report and Recommendation on or before July 3, 2005. The June 15, 2005 Order was mailed to the Petitioner, but was returned to the Court as undeliverable on June 20, 2005. (Document No. 10). After some research, the Clerk determined that the Plaintiff had been transferred to the Lexington Correctional Center on June 1, 2005. On June 21, 2005, the Clerk re-mailed the June 15, 2005 Order to the Petitioner at that address.

To date, the Petitioner has neither filed a written objection to the Report and Recommendation within the reopened, expanded time allowed; nor has he requested a further extension of time in which to file an objection. Therefore, the Report and Recommendation of the United States Magistrate Judge is hereby ADOPTED in its entirety, and the petition of Tristan Henry

for a writ of habeas corpus, construed as having been brought pursuant to Title 28 U. S. C. § 2241, is DISMISSED upon filing for failure to state a constitutional violation.

**IT IS SO ORDERED this 4<sup>th</sup> day of August, 2005.**

  
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DAVID L. RUSSELL  
UNITED STATES DISTRICT JUDGE